IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMARY SUIT NO.2284 OF 2007

Punjab National Bank ..Plaintiff.

Vs.

M/s. Park Organics Limited ..Defendant.

....

Mr. Prasad Das i/b M/s. Goenka Law Associates for the Plaintiff.
None for the Defendant.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

11th December, 2007.

P.C. :

The Suit under Order 37 of the Code of Civil Procedure, 1908 has been filed for the recovery of a sum of Rs.4,62,426.10 together with interest. The Defendant had a current account with the Plaintiff and availed of a temporary overdraft facility. A cheque in the amount of Rs.3,80,000/- dated 22nd March, 2004 furnished by the Defendant towards repayment of the outstanding was dishonoured by the bankers for want of sufficient funds. The Defendant confirmed and acknowledged that an amount of Rs.3,79,305.68 was due and payable to the Plaintiff as on 18th May, 2006 together with interest at the rate of 16.25% per annum.

The Defendant has failed to enter appearance despite service of the writ of summons. In the circumstances, the Plaintiff will be entitled to a decree as prayed. The claim in the suit falls within the purview of order 37 since it is based on a confirmation by the Defendant and a cheque which has been dishonoured. The Plaintiff has tendered a compilation of the original documents which is taken on the record. The claim is duly proved on the basis thereof. The suit shall accordingly stand decreed in terms of prayer clause (a) with the modification that the Plaintiff will be entitled to interest at the rate of 9% per annum on the principal sum from the date of the suit until payment or realization.

Refund of Court fees, if any, as per rules.